

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

UNITED STATES OF AMERICA,
Plaintiff,

Plaintiff,

10

SHAWN RICE.

Defendant.

2:09-cr-00078-JCM-RJJ
2:10-cr-00520-JCM-RJJ

ORDER

Defendant Rice's Motion for Independent and Unbiased Court (#243) (#26)

14 This matter comes before the Court on Defendant Rice's Motion for Independent and
15 Unbiased Court (#243) and (#26). The Court has reviewed the motions (#243) and (#26) and the
16 Responses (#259) and (#36) thereto.

BACKGROUND

On March 3, 2009, Rice was indicted and charged with one count of conspiracy to commit money laundering pursuant to 18 U.S.C. § 6156(h), thirteen counts of money laundering pursuant to 128 U.S.C. § 1656(a)(3)(A), and aiding and abetting.

On June 14, 2012, Rice filed this Motion for Independent and Unbiased Court (#243) (#26) asserting that the Court has a conflict of interest pursuant to 28 U.S.C. §§ 454¹ and 455. Aside from the assertion that the judge in this case has “invested in assets that bias the court,” Rice provides neither evidence of bias nor details regarding what that bias might be.

²⁶ Section 454 states that “[a]ny justice or judge appointed under the authority of the United
27 States who engages in the practice of law is guilty of a high misdemeanor.” 28 U.S.C. § 454. As Rice
28 does not actually allege that the district judge or magistrate judge assigned to this case are engaging in
the practice of law, this section appears to have been cited in error.

1 Rice has requested that the Court produce: (1) “the original oath of office and all
2 supporting documents for examination to establish that the court has jurisdiction proceed;” and
3 (2) “a certified copy of the Judges [sic] financial statements within the last 90 days to insure that
4 the judge has no conflict of interest in this case.” Motion (#243) at 2.

5 Rice also requests that the Court “make proper findings of fact and law on all documents
6 filed with the court, citing Supreme Court authority for its rulings, without bias,” and that “the
7 judge and magistrate [judge] in this case issue a ruling on whether they have a conflict of interest
8 in these proceedings.” *Id.*

9 **DISCUSSION**

10 Pursuant to 28 U.S.C. § 455 any judge or magistrate judge must “disqualify himself in
11 any proceeding in which his impartiality might reasonably be questioned.” Federal judges are
12 under a duty to monitor their financial and personal situations and to disqualify themselves in
13 cases of bias, or the reasonable appearance of bias. On the other hand, judges have no duty to
14 produce evidence of their impartiality merely because a party requests it. Further, Rice has not
15 presented any evidence which would reasonably cause the impartiality of the district judge or
16 magistrate judge to be called into question. Rice’s requests for evidence of impartiality from the
17 Court is wholly inappropriate and will be denied.

18 **CONCLUSION**

19 Based on the foregoing, and good cause appearing therefore,

20 IT IS HEREBY ORDERED Defendant Rice’s Motion for Independent and Unbiased
21 Court (#243) and (#26) are **DENIED**.

22 DATED this 17th day of July, 2012.

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25 
ROBERT J. JOHNSTON
26 United States Magistrate Judge
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